



Rep. Lou Lang

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LRB097 03690 RLC 55979 a

1 AMENDMENT TO HOUSE BILL 861

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 861 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-305 and 6-305.3 as follows:

6 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

7 Sec. 6-305. Renting motor vehicle to another.

8 (a) No person shall rent a motor vehicle to any other  
9 person unless the latter person, or a driver designated by a  
10 nondriver with disabilities and meeting any minimum age and  
11 driver's record requirements that are uniformly applied by the  
12 person renting a motor vehicle, is then duly licensed hereunder  
13 or, in the case of a nonresident, then duly licensed under the  
14 laws of the State or country of his residence unless the State  
15 or country of his residence does not require that a driver be  
16 licensed.

1           (b) No person shall rent a motor vehicle to another until  
2 he has inspected the drivers license of the person to whom the  
3 vehicle is to be rented, or by whom it is to be driven, and  
4 compared and verified the signature thereon with the signature  
5 of such person written in his presence unless, in the case of a  
6 nonresident, the State or country wherein the nonresident  
7 resides does not require that a driver be licensed.

8           (c) No person shall rent a motorcycle to another unless the  
9 latter person is then duly licensed hereunder as a motorcycle  
10 operator, and in the case of a nonresident, then duly licensed  
11 under the laws of the State or country of his residence, unless  
12 the State or country of his residence does not require that a  
13 driver be licensed.

14           (c-1) A rental car company that rents a motor vehicle shall  
15 ensure that the renter is provided with an emergency telephone  
16 number to personnel capable of fielding roadside assistance and  
17 other customer service inquiries, including the ability to  
18 provide the caller with the telephone number of the location  
19 from which the vehicle was rented, if requested by the caller.  
20 If an owner's manual is not available in the vehicle at the  
21 time of the rental, an owner's manual for that vehicle or a  
22 similar model shall be accessible by the personnel answering  
23 the emergency telephone number for assistance with inquiries  
24 about the operation of the vehicle.

25           (d) (Blank).

26           (e) (Blank).

1 (f) Subject to subsection (1), any person who rents a motor  
2 vehicle to another shall only advertise, quote, and charge a  
3 rental rate that includes the entire amount except taxes, ~~and~~ a  
4 mileage charge, and airport concession charge, if any, which a  
5 renter must pay to hire or lease the vehicle for the period of  
6 time to which the rental rate applies. The person must provide,  
7 on the request of the renter, based on the available  
8 information, an estimated total of the daily rental rate,  
9 including all applicable taxes, fees, and other charges, or an  
10 estimated total rental charge, based on the return date of the  
11 vehicle noted on the rental agreement. Further, if the rental  
12 agreement does not already provide an estimated total rental  
13 charge, the following statement must be included in the rental  
14 agreement:

15 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON  
16 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL  
17 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN  
18 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN  
19 DATE NOTED ON THIS AGREEMENT."

20 Such person shall not charge in addition to the rental  
21 rate, taxes, ~~and~~ mileage charge, and airport concession charge,  
22 if any, any fee which must be paid by the renter as a condition  
23 of hiring or leasing the vehicle, such as, but not limited to,  
24 required fuel or airport surcharges, nor any fee for  
25 transporting the renter to the location where the rented  
26 vehicle will be delivered to the renter. In addition to the

1 rental rate, taxes, ~~and~~ mileage charge, and airport concession  
2 charge, if any, such person may charge for an item or service  
3 provided in connection with a particular rental transaction if  
4 the renter can avoid incurring the charge by choosing not to  
5 obtain or utilize the optional item or service. Items and  
6 services for which such person may impose an additional charge  
7 include, but are not limited to, optional insurance and  
8 accessories requested by the renter, service charges incident  
9 to the renter's optional return of the vehicle to a location  
10 other than the location where the vehicle was hired or leased,  
11 and charges for refueling the vehicle at the conclusion of the  
12 rental transaction in the event the renter did not return the  
13 vehicle with as much fuel as was in the fuel tank at the  
14 beginning of the rental. "Airport concession charge" means a  
15 charge or fee imposed and collected from a renter to reimburse  
16 the motor vehicle rental company for the concession fee it is  
17 required to pay to a local government corporate authority or  
18 airport authority to rent motor vehicles at the airport  
19 facility. The airport concession charge is in addition to any  
20 customer facility charge or any other charge.

21 (g) Every person renting a motor vehicle to another shall  
22 keep a record of the registration number of the motor vehicle  
23 so rented, the name and address of the person to whom the  
24 vehicle is rented, the number of the license, if any, of said  
25 latter person, and the date and place when and where the  
26 license, if any, was issued. Such record shall be open to

1 inspection by any police officer or designated agent of the  
2 Secretary of State.

3 (h) A person licensed as a new car dealer under Section  
4 5-101 of this Code shall not be subject to the provisions of  
5 this Section regarding the rental of private passenger motor  
6 vehicles when providing, free of charge, temporary substitute  
7 vehicles for customers to operate during a period when a  
8 customer's vehicle, which is either leased or owned by that  
9 customer, is being repaired, serviced, replaced or otherwise  
10 made unavailable to the customer in accordance with an  
11 agreement with the licensed new car dealer or vehicle  
12 manufacturer, so long as the customer orally or in writing is  
13 made aware that the temporary substitute vehicle will be  
14 covered by his or her insurance policy and the customer shall  
15 only be liable to the extent of any amount deductible from such  
16 insurance coverage in accordance with the terms of the policy.

17 (i) This Section, except the requirements of subsection  
18 (g), also applies to rental agreements of 30 continuous days or  
19 less involving a motor vehicle that was delivered by an out of  
20 State person or business to a renter in this State.

21 (j) A public airport may, if approved by its local  
22 government corporate authorities or its airport authority,  
23 impose a customer facility charge upon customers of rental car  
24 companies for the purposes of financing, designing,  
25 constructing, operating, and maintaining consolidated car  
26 rental facilities and common use transportation equipment and

1 facilities, which are used to transport the customer,  
2 connecting consolidated car rental facilities with other  
3 airport facilities.

4 Notwithstanding subsection (f) of this Section, the  
5 customer facility charge shall be collected by the rental car  
6 company as a separate charge, and clearly indicated as a  
7 separate charge on the rental agreement and invoice. Facility  
8 charges shall be immediately deposited into a trust account for  
9 the benefit of the airport and remitted at the direction of the  
10 airport, but not more often than once per month. The charge  
11 shall be uniformly calculated on a per-contract or per-day  
12 basis. Facility charges imposed by the airport may not exceed  
13 the reasonable costs of financing, designing, constructing,  
14 operating, and maintaining the consolidated car rental  
15 facilities and common use transportation equipment and  
16 facilities and may not be used for any other purpose.

17 Notwithstanding any other provision of law, the charges  
18 collected under this Section are not subject to retailer  
19 occupation, sales, use, or transaction taxes.

20 (k) When a rental car company states a rental rate in any  
21 of its rate advertisements, its proprietary computer  
22 reservation systems, or its in-person quotations intended to  
23 apply to an airport rental, a company that collects from its  
24 customers a customer facility charge for that rental under  
25 subsection (j) shall do all of the following:

26 (1) Clearly and conspicuously disclose in any radio,

1 television, or other electronic media advertisements the  
2 existence and amount of the charge if the advertisement is  
3 intended for rentals at an airport imposing the charge or,  
4 if the advertisement covers an area with multiple airports  
5 with different charges, a range of amounts of customer  
6 facility charges if the advertisement is intended for  
7 rentals at an airport imposing the charge.

8 (2) Clearly and conspicuously disclose in any print  
9 rate advertising the existence and amount of the charge if  
10 the advertisement is intended for rentals at an airport  
11 imposing the charge or, if the print rate advertisement  
12 covers an area with multiple airports with different  
13 charges, a range of amounts of customer facility charges if  
14 the advertisement is intended for rentals at an airport  
15 imposing the charge.

16 (3) Clearly and conspicuously disclose the existence  
17 and amount of the charge in any telephonic, in-person, or  
18 computer-transmitted quotation from the rental car  
19 company's proprietary computer reservation system at the  
20 time of making an initial quotation of a rental rate if the  
21 quotation is made by a rental car company location at an  
22 airport imposing the charge and at the time of making a  
23 reservation of a rental car if the reservation is made by a  
24 rental car company location at an airport imposing the  
25 charge.

26 (4) Clearly and conspicuously display the charge in any

1           proprietary computer-assisted reservation or transaction  
2           directly between the rental car company and the customer,  
3           shown or referenced on the same page on the computer screen  
4           viewed by the customer as the displayed rental rate and in  
5           a print size not smaller than the print size of the rental  
6           rate.

7           (5) Clearly and conspicuously disclose and separately  
8           identify the existence and amount of the charge on its  
9           rental agreement.

10          (6) A rental car company that collects from its  
11          customers a customer facility charge under subsection (j)  
12          and engages in a practice which does not comply with  
13          subsections (f), (j), and (k) commits an unlawful practice  
14          within the meaning of the Consumer Fraud and Deceptive  
15          Business Practices Act.

16          (1) Notwithstanding subsection (f), any person who rents a  
17          motor vehicle to another may, in connection with the rental of  
18          a motor vehicle to (i) a business renter or (ii) a business  
19          program sponsor under the sponsor's business program, do the  
20          following:

21                 (1) separately quote, by telephone, in person, or by  
22                 computer transmission, additional charges for the rental;  
23                 and

24                 (2) separately impose additional charges for the  
25                 rental.

26          (m) As used in this Section:

1           (1) "Additional charges" means charges other than: (i)  
2 a per period base rental rate; (ii) a mileage charge; (iii)  
3 taxes; or (iv) a customer facility charge.

4           (2) "Business program" means:

5           (A) a contract between a person who rents motor  
6 vehicles and a business program sponsor that  
7 establishes rental rates at which the person will rent  
8 motor vehicles to persons authorized by the sponsor; or

9           (B) a plan, program, or other arrangement  
10 established by a person who rents motor vehicles at the  
11 request of, or with the consent of, a business program  
12 sponsor under which the person offers to rent motor  
13 vehicles to persons authorized by the sponsor on terms  
14 that are not the same as those generally offered by the  
15 rental company to the public.

16           (3) "Business program sponsor" means any legal entity  
17 other than a natural person, including a corporation,  
18 limited liability company, partnership, government,  
19 municipality or agency, or a natural person operating a  
20 business as a sole proprietor.

21           (4) "Business renter" means any person renting a motor  
22 vehicle for business purposes or, for any business program  
23 sponsor, a person who is authorized by the sponsor to enter  
24 into a rental contract under the sponsor's business  
25 program. "Business renter" does not include a person  
26 renting as:

1 (A) a non-employee member of a not-for-profit  
2 organization;

3 (B) the purchaser of a voucher or other prepaid  
4 rental arrangement from a person, including a tour  
5 operator, engaged in the business of reselling those  
6 vouchers or prepaid rental arrangements to the general  
7 public;

8 (C) an individual whose car rental is eligible for  
9 reimbursement in whole or in part as a result of the  
10 person being insured or provided coverage under a  
11 policy of insurance issued by an insurance company; or

12 (D) an individual whose car rental is eligible for  
13 reimbursement in whole or in part as a result of the  
14 person purchasing motor vehicle repair services from a  
15 person licensed to perform those services.

16 (Source: P.A. 94-717, eff. 12-19-05; 95-770, eff. 1-1-09.)

17 (625 ILCS 5/6-305.3)

18 Sec. 6-305.3. Vehicle license cost recovery fee.

19 (a) As used in this Section:

20 "Motor vehicle ~~Automobile~~ rental company" means a person or  
21 entity whose primary business is renting motor ~~private~~  
22 ~~passenger~~ vehicles to the public for 30 days or less.

23 "Inspect" or "inspection" means a vehicle emissions  
24 inspection under Chapter 13C of this Code.

25 "Rental agreement" means an agreement for 30 days or less

1 setting forth the terms and conditions governing the use of a  
2 motor private passenger vehicle provided by a rental company.

3 "Motor vehicle" means motor passenger vehicles of the first  
4 division and motor vehicles of the second division weighing not  
5 more than 8,000 pounds.

6 "Vehicle license cost recovery fee" or "VLCRF" means a  
7 charge that may be separately stated and charged on a rental  
8 agreement in a vehicle rental transaction originating in  
9 Illinois to recover costs incurred either directly or  
10 indirectly by a motor vehicle ~~an automobile~~ rental company to  
11 license, title, register, and inspect motor vehicles.

12 (b) Motor vehicle ~~Automobile~~ rental companies may include a  
13 separately stated mandatory surcharge or fee in a rental  
14 agreement for vehicle license cost recovery fees (VLCRF) and  
15 all applicable taxes.

16 (c) If a motor vehicle ~~an automobile~~ rental company  
17 includes a VLCRF as separately stated charge in a rental  
18 agreement, the amount of the fee must represent the motor  
19 vehicle ~~automobile~~ rental company's good-faith estimate of the  
20 automobile rental company's daily charge as calculated by the  
21 motor vehicle ~~automobile~~ rental company to recover its actual  
22 total annual motor vehicle titling, registration, and  
23 inspection costs.

24 (d) If the total amount of the VLCRF collected by a motor  
25 vehicle ~~automobile~~ rental company under this Section in any  
26 calendar year exceeds the motor vehicle ~~automobile~~ rental

1 company's actual costs to license, title, register, and inspect  
2 for that calendar year, the motor vehicle ~~automobile~~ rental  
3 company shall do both of the following:

4 (1) Retain the excess amount; and

5 (2) Adjust the estimated average per vehicle titling,  
6 licensing, inspection, and registration charge for the  
7 following calendar year by a corresponding amount.

8 (e) Nothing in subsection (d) of this Section shall prevent  
9 a motor vehicle ~~automobile~~ rental company from making  
10 adjustments to the VLCRF during the calendar year.

11 (Source: P.A. 96-37, eff. 7-13-09.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."